



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

AUG 31 2011

REPLY TO THE ATTENTION OF:

L-8J

William Fitzpatrick  
Bureau of Watershed Management  
State of Wisconsin  
Department of Natural Resources  
101 S. Webster Street  
P.O. Box 7921  
Madison, Wisconsin 53707-7921

Re: Approval for Risk-Based Cleanup and Disposal of Polychlorinated Biphenyls (PCBs)  
Lincoln Park/Milwaukee River Channels Sediments Site

Dear Mr. Fitzpatrick:

The U. S. Environmental Protection Agency hereby grants approval to the Wisconsin Department of Natural Resources (WDNR) to remove Toxic Substances Control Act (TSCA) level Polychlorinated Biphenyl (PCB) contaminated sediments from the Lincoln Park/Milwaukee River Channels Sediments Site (site) in Wisconsin. Sediments containing 50 parts per million (ppm) or over PCBs may be stabilized in-situ and dredged from Zones 2a, 2b and 3a of the site. These sediments may be directly loaded onto trucks and transported to a TSCA permitted chemical waste landfill or a hazardous waste landfill permitted by EPA under section 3004 of the Resource Conservation and Recovery Act (RCRA), or by a State authorized under section 3006 of RCRA.

This approval is granted in accordance with the federal PCB regulations codified at 40 C.F.R. § 761.61 (c), under which the Regional Administrator may approve a method to sample, cleanup, or dispose of PCB remediation waste if it is found that the method will not pose an unreasonable risk of injury to human health or the environment. The authority to grant such approvals in this Regional office has been delegated to the Director of Land and Chemicals Division.

This approval is effective as of the date of this letter. All cleanup and disposal activities must be carried out in accordance with the approval conditions that are enclosed with this letter and the procedures described in the February 16, 2011 risk-based application and the documents EPA received in support of the application.

The Great Lakes National Program Office (GLNPO) is the EPA lead for the site. Therefore, GLNPO has the authority to review and approve the PCB verification sampling locations.

WDNR is responsible for ensuring continued compliance with all applicable provisions of TSCA, the federal PCB regulations, and the conditions of this approval. Any departure from the conditions of this approval must receive prior written authorization from this office. Furthermore, this approval does not relieve WDNR from compliance with any other federal, state, or local regulatory requirements, and does not preclude EPA from initiating any enforcement action, including an action seeking civil penalties, for any violation.

If you have any questions regarding this approval, please do not contact Jean Greensley, of my staff, at (312) 353-1171 or greensley.jean@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Margaret M. Guerriero', with a long horizontal flourish extending to the right.

Margaret M. Guerriero  
Director  
Land and Chemicals Division

Enclosure

bcc: Brenda Jones, EPA  
Ajit Vaidya, EPA  
Peter Ramanauskas, EPA  
Jean Greensley, EPA

## **APPROVAL CONDITIONS**

### **A. Authorized Remedial Action**

The Wisconsin Department of Natural Resources (WDNR) is authorized to remove, dewater and dispose of approximately 1,120 cubic yards of Toxic Substances Control Act (TSCA) level Polychlorinated Biphenyl (PCB) contaminated sediments from Zones 2a, 2b and 3a of the Lincoln Park/Milwaukee River Phase I sediment remediation project. The remediation of the PCB-contaminated sediments shall be conducted according to the approval conditions described below and the procedures described in the February 16, 2011 risk-based application (application) and the documents the U.S. Environmental Protection Agency received in support of the application. The application consists of the January 2011 Basis of Design Report and the January 18, 2011 TSCA Risk-Based Notification. The supporting documents include the November 2009 Draft Feasibility Study Lincoln Park/Milwaukee River Channel Sediments Site Milwaukee Estuary Area of Concern, the October 26, 2010 CH2MHill Technical Memorandum Application for a PCB Risk-Based Disposal Approval (40 CFR 761.61(c)), the April 21, 2011 CH2MHill Technical Memorandum Response to Comments TSCA 40 CFR 761.61(c) Risk-Based Application for Lincoln Park/Milwaukee River Channel Sediments Site – Phase I; the July 22, 2011 email from Brenda Jones, EPA, to Jean Greensley, EPA, regarding the Lincoln Creek/Milwaukee River revised estimated TSCA Areas/Volumes along with the updated figures for those areas (July 22, 2011 email), and the August 2011 Final Quality Assurance Project Plan Lincoln Park/Milwaukee River Channel Sediments Site Milwaukee Estuary Area of Concern, Wisconsin Final Remedial Design (Phase I). In the event that the approval conditions are inconsistent with the procedures described in the application and design documents, WDNR must abide by the approval conditions.

### **B. PCB Remediation**

The TSCA-regulated PCB contaminated sediments must be cleaned to the remediation limits specified in the risk-based application and supporting documents. These limits, and the procedures to achieve those limits, are summarized below.

- Excavation of TSCA-level PCB contaminated sediments to the limits depicted on revised Figures 1b and 1c attached to the July 22, 2011 email.
- Post-remediation limit for surface sediment concentration is 1 part per million (ppm) total PCB Aroclors.
- Attainment of the 1 ppm post-remediation PCB limit for surface sediment concentration will be used as the performance standard and the basis for evaluation of whether alternative or supplemental work is necessary.

### **C. Removal of TSCA-regulated PCB Contaminated Sediments**

1. Removal of the TSCA-regulated PCB contaminated sediments must be in accordance with the procedures outlined in the application and supporting design documents. The limits of the TSCA sediment removal areas are identified on the revised Figures 1b and 1c attached to the July 22, 2011 email and are summarized below.

#### **LPMR-S-4-N**

Approximately 560 cubic yards of TSCA-level PCB contaminated sediments in Zone 2a as depicted in revised Figure 1b.

#### **4X7**

Approximately 280 cubic yards of TSCA-level PCB contaminated sediments in Zone 2b as depicted in revised Figure 1c.

#### **EST-2-17**

Approximately 280 cubic yards of TSCA-level PCB contaminated sediments in Zone 3a as depicted in revised Figure 1c.

2. Post-assessment of the remediated areas must be in accordance with the procedures outlined in the August 2011 Final Quality Assurance Project Plan for the Lincoln Park/Milwaukee River Channel Sediment Site.
3. A map depicting the proposed TSCA verification sample locations must be submitted to EPA for review and approval. The EPA Great Lakes National Program Office project officer for the Lincoln Park/Milwaukee River Phase I sediment remediation project may review and approve the proposed verification sample locations.
4. If PCBs at 1 ppm or greater are detected in the sediment after removal of the TSCA material in accordance with the removal limits depicted on revised Figures 1b and 1c, you must remove additional material until the concentration in the sediment is 1 ppm or less.

### **D. Handling and Disposal of Dredged TSCA-level PCB Sediments**

1. The dredged TSCA-level PCB contaminated sediments from the Lincoln Park/Milwaukee River Phase I sediment remediation project must be handled in accordance with the procedures outlined in the application and supporting design documents. The procedures are summarized below.
  - Isolation of targeted excavation areas to prevent the downstream migration of PCB contaminated sediments during excavation.

- Installation of cutoff walls to bypass Lincoln Creek water around the excavation areas.
  - Discharge of water diverted before entering the limits of work or water gravity drained from undisturbed areas within the limits of work to the Milwaukee River.
  - Treatment of surface water, precipitation and groundwater that enter disturbed areas within the work area at a mobile on-site treatment plant to remove Total Suspended Solids (TSS) and PCBs with discharge to the Milwaukee River under a Wisconsin Pollution Discharge Elimination (WPDES) wastewater discharge permit.
  - Treatment of surface or groundwater from areas with PCB sediment less than 1 ppm to below 40 mg/L with discharge to the Milwaukee River under the Chapter 30 permit or an individual WPDES wastewater discharge permit.
  - Treatment of water generated during decontamination of trucks and equipment will be for TSS and PCBs with discharge to the Milwaukee River under the WPDES wastewater discharge permit.
  - Addition of a drying agent to in-situ sediment, if necessary, to meet the paint filter and/or landfill strength requirements before the sediment is mechanically dredged from the targeted excavation area. The drying agent must not raise the temperature of the material such that it volatilizes PCBs.
  - Direct loading of the TSCA-level PCB contaminated sediments into a truck for disposal in a TSCA-permitted chemical waste landfill or a hazardous waste landfill permitted by EPA under section 3004 of the Resource Conservation and Recovery Act (RCRA), or by a State authorized under section 3006 of RCRA.
2. In the event there is standing flood water above the PCB impacted sediment areas, all water that is within 12 inches of the sediment/water interface will be treated for PCBs and TSS before it is discharged to the Milwaukee River.
  3. The filters and solids from the mobile water treatment system must either be sampled for PCBs before disposal or disposed of as TSCA waste.
  4. Scrapings from the equipment used to remove the TSCA-level PCB contaminated sediments, must be disposed of at a TSCA-permitted chemical waste landfill or a hazardous waste landfill permitted by EPA under section 3004 of RCRA, or by a State authorized under section 3006 of RCRA.

#### **E. Post-Remediation Requirements**

1. Equipment associated with the mobile water treatment plant must be sampled for PCBs and decontaminated, if necessary. The decontamination standard is  $\leq 10$  micrograms PCBs per 100 square centimeters ( $\leq 10 \mu\text{g}/100 \text{ cm}^2$ ) as measured by a standard wipe test.

2. Once the mobile water treatment plant, the truck wash area and access roads are no longer in use, soil from these areas must be collected and analyzed for PCBs. If PCBs at 50 ppm or above are detected in the soil, it must be disposed of at a TSCA-permitted chemical waste landfill or a hazardous waste landfill permitted by EPA under section 3004 of RCRA, or by a State authorized under section 3006 of RCRA. If PCBs below 50 ppm are detected in the soil, it may be disposed of at a RCRA subtitle D facility whose permit allows it to accept PCBs.
3. The bank restoration must be conducted in accordance with the Basis of Design Report using soils that contain less than 1 ppm PCBs.

**F. Notifications**

1. The Remediation and Reuse Branch (RRB) in EPA, Region 5 must be notified in writing if the following occurs:
  - TSCA-level PCB contaminated material is spilled or released from the waste water treatment plant, the truck wash area or the trucks transporting the sediments.
  - Post-cleanup monitoring in the Lincoln Creek Milwaukee River Phase I remedial area detects PCBs above established cleanup goals.
2. Spills involving 1 pound or more by weight of PCBs must be reported to the National Response Center (1-800-424-8802). Within 24 hours, RRB also must be notified about the release of PCB contaminated material.

**G. Reports**

1. When available, WDNR must submit the following information to RRB:
  - post-removal sample results for the wastewater treatment plant, the truck wash area and the access roads
  - any final report issued after the completion of the Lincoln Park/Milwaukee River Phase I sediment remediation project
2. Notification and reports to RRB may be sent to:

Address: Jean Greensley  
Corrective Action Section 1  
U.S. EPA, Region 5  
77 W. Jackson Blvd., LU-9J  
Chicago, IL 60604